

# EXHIBIT 3

**DATE: March 14, 2017**

TO: Roku Inc.

12980 Saratoga Avenue, Suite D

Saratoga, California 95070

Attn: Copyright Agent

E-mail: [copyright@roku.com](mailto:copyright@roku.com)

I declare UNDER PENALTY OF PERJURY that:

1. I am the owner, or an agent authorized to act on behalf of the owner, which owner's name is

**Komanda LLC and NTV America** ("IP Owner"), of the following copyrighted work.

Identify, in sufficient detail, the copyrighted work that you claim has been infringed upon, including providing any registration number or other identification, if available. Attach applicable documents, if any.

**See the following attached documents for information about Komanda LLC's and NTV America's respective copyrighted works:**

- **March 13, 2017 Letter from David Guerrero Liston (the "Letter")**
- **March 13, 2017 Affidavit from Gregory Moscow (the "Affidavit")**

2. I have a good faith belief that the content described below and being made available to end users of the Company's products is not authorized by the IP owner, its agent, or the law, and therefore infringes the IP Owner's rights:

Identify the content that you claim is infringing the copyright identified above.

**See the attached Letter and the Affidavit.**

Where does the alleged infringing material appear? Please provide sufficient information to help us locate the content you are reporting.

**The infringing materials appear on the following Roku channels:** **Redacted**, **Redacted**, INVID09, TVTEKA, DTV12, **Redacted**

**See the attached Letter and Affidavit for additional information.**

Please describe how the content infringes your or the IP owner's rights (this question may assist us with processing your claim and eliminate the potential need for follow-up questions should your notice be unclear).

**The content is infringing on Komanda LLC's and NTV America's respective rights by distributing their respective copyrighted programming without authorization.**

**See the attached Letter and Affidavit for additional information.**

Identify, if possible, information sufficient to permit the Company to notify the channel application developer and/or service provider of the allegedly infringing content.

**See Schedule 1 in the attached Letter.**

3. I acknowledge that this Notice, including my contact information, may be provided to the channel application developer and/or service provider associated with the alleged infringing content.

4. I may be contacted as follows:

My Name: **David Guerrero Liston, Esq.**

My Telephone: **(212) 822-0160**

Company or Other IP Owner (if different from me):

**Lewis Baach PLLC Kaufman Middlemiss  
The Chrysler Building  
405 Lexington Avenue, 62<sup>nd</sup> Floor  
New York, New York 10174**

Email: **david.liston@lewisbaach.com**

Check one of the boxes below.

The information I have provided in this statement is accurate.

I agree:

I disagree:

Electronic or Physical Signature:

/s David Guerrero Liston

**Lewis Baach PLLC**  
**Kaufmann Middlemiss**

THE NEW YORK OFFICE OF LEWIS BAACH PLLC

David Guerrero Liston

212 822 0160

david.liston@lewisbaach.com

March 13, 2017

**VIA EMAIL AND FEDERAL EXPRESS**

Roku, Inc.  
Attn: Douglas Weiss, Esq.  
Director, Business & Legal Affairs  
150 Winchester Circle  
Los Gatos, California 95032

Roku, Inc.  
Attn: Copyright Agent  
12980 Saratoga Avenue, Suite D  
Saratoga, California 95070

**Re: Notice of Copyright Infringement Through Roku Platform**

Dear Mr. Weiss and Copyright Agent:

We represent Komanda LLC, (“Komanda”) and NTV America (“NTV”) (collectively, the Notifying Parties). We write to notify you of entities that are using Roku, Inc. (“Roku”)’s platform to distribute Komanda’s and NTV’s content without authorization.

Komanda is the worldwide copyright holder for certain content that is shown on Russian language television, including content that is shown on the Russian television network, Channel One. Among the programs to which Komanda is the copyright holder are the Russian television programs: Davai Pogenimsya (Давай Поженимся), Modny Prigovor (Модный Приговор), Segodnya Vecherom (Сегодня Вечером), and Kontrol'naja Zakupka (Контрольная Закупка) (the “Komanda Copyrighted Content”).

NTV is the exclusive copyright holder in the United States for certain content that is shown on Russian language television, including content that is shown on the Russian television network, NTV. Among the programs to which NTV is the copyright holder in the United States are the Russian television programs: Detektiv «Pasečnik» (Детектив «Пасечник»), Mesto vstreči (Место встречи), Serial «Vozvrašenie Muhtara» (Сериал «Возвращение Мухтара»), Segodnja (Сегодня), Govorim I Pokazyvayem (Говорим И Показываем), Ulicy Razbityh Fonarej (Улицы Разбитых Фонарей), Uchitel' v zakone (Учитель в законе), and Chrezvychaynoye Proisshestviye (Чрезвычайное Происшествие) (the “NTV Copyrighted Content”).

Komanda and NTV have launched an investigation to identify parties who are streaming their respective content without authorization. As a result of that investigation, the Notifying Parties have identified five entities, as set forth in Schedule 1 to this letter (the "Pirates") who are distributing, without authorization, the Komanda Copyrighted Content and the NTV Copyrighted Content, through the use of channels the Pirates created on the Roku platform.

The Pirates are rebroadcasting numerous Russian TV networks through their respective Roku channels, including the TV networks Channel One and NTV. The Pirates distribute the programming through the Roku platform to a subscriber through the live rebroadcast of the Russian TV networks, the archived rebroadcast of the Russian TV networks, and/or through a video on demand library.

Gregory Moscow, an Investigative Analyst at our firm, conducted an investigation that identified the Pirates. Enclosed with this letter is Mr. Moscow's affidavit, which includes screenshots that demonstrate the Pirates' use of the Roku platform to distribute the Komanda Copyrighted Content and the NTV Copyrighted Content.

Komanda has not authorized any of the Pirates, directly or indirectly, to distribute the Komanda Copyrighted Content in any manner whatsoever, including without limitation, the right to distribute the Komanda Copyrighted Content through any web streaming platform such as the Roku platform.

NTV has not authorized any of the Pirates, directly or indirectly, to distribute the NTV Copyrighted Content in any manner whatsoever, including without limitation, the right to distribute the NTV Copyrighted Content through any web streaming platform such as the Roku platform.

As Komanda and NTV did not authorize the Pirates to distribute the content, it is reasonable to assume that the Pirates are also distributing the content of other rightsholders without their authorization.

In light of the evidence that each of the Pirates is streaming the Komanda Copyrighted Content and the NTV Copyrighted Content without the authorization of Komanda or NTV, we respectfully request that Roku immediately disable each of the Pirate's channels on the Roku platform as well as on any devices or services offered by Roku.

We would appreciate if you provide us with confirmation that Roku has taken the requested actions to prevent the continued use of Roku's services to facilitate the Pirates' infringement of the Komanda Copyrighted Content and the NTV Copyrighted Content.

Please do not hesitate to contact me at 212-822-0160 or [david.liston@lewisbaach.com](mailto:david.liston@lewisbaach.com) if you have any questions or if there is any additional information we can provide to you.

Respectfully submitted,

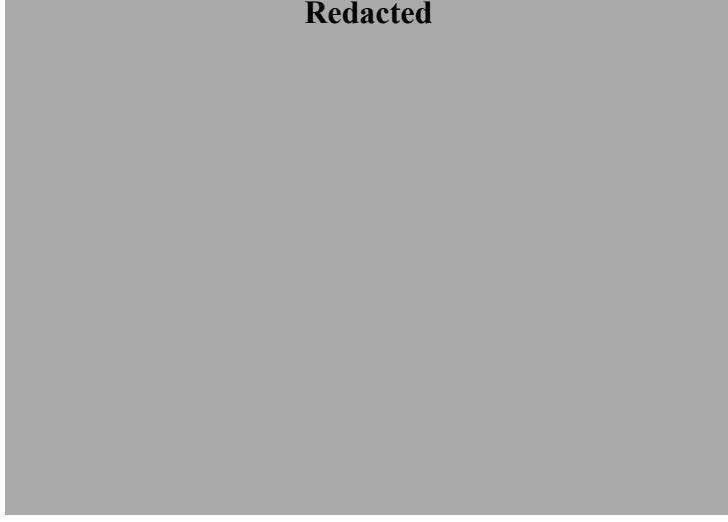


David Guerrero Liston

cc: Alex G. Patchen  
Anthony M. Capozzolo  
Ari. J. Jaffess

Schedule 1

**Redacted**



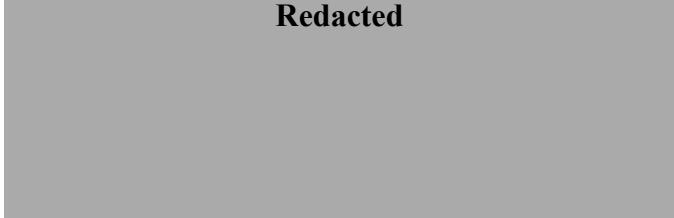
4. **TVTEKA**

Roku Channels - INVID9, TVTEKA, DTV12  
c/o ARIEL IMPEX LP  
Franz-Joseph-Str. 11  
80801 Munich, Germany

Website - [tvteka.net](http://tvteka.net)

Email Address - [copyright@tvteka.com](mailto:copyright@tvteka.com)

**Redacted**



**AFFIDAVIT OF GREGORY MOSCOW**

STATE OF NY :  
COUNTY OF NY : SS.:

Gregory Moscow, being duly sworn, deposes and says:

1. I am an Investigative Analyst at the law firm Lewis Baach pllc Kaufman Middlemiss.
2. Our firm represents Komanda LLC (“Komanda”) and NTV America (“NTV”) (collectively, the Notifying Parties).
3. I submit this affidavit in support of the March 13, 2017 letter being submitted on behalf of the Notifying Parties notifying Roku, Inc. (“Roku”) of entities that are using the Roku platform to distribute Komanda’s and NTV’s content without authorization (the “Notice Letter”).
4. Komanda has advised our firm that it is the worldwide copyright holder for a number of programs that are shown on the Russian television network, Channel One. Among the programs that are shown on Channel One to which Komanda is the copyright holder are: Davai Pogenimsya (Давай Поженимся), Modny Prigovor (Модный Приговор), Segodnya Vecherom (Сегодня Вечером), and Kontrol'naja Zakupka (Контрольная Закупка) (the “Komanda Copyrighted Content”).
5. NTV has advised our firm that it is the exclusive copyright holder in the United States for a number of programs that are shown on the Russian television network, NTV. Among the programs that are shown on NTV to which NTV is the copyright holder in the United States are: Detektiv «Pasečnik» (Детектив «Пасечник»), Mesto vstreči (Место встречи), Serial «Vozvrašenie Muhtara» (Сериал «Возвращение Мухтара»), Segodnja (Сегодня), Govorim I Pokazyvayem (Говорим И Показываем), Ulicy Razbityh Fonarej (Улицы Разбитых Фонарей),

Uchitel' v zakone (Учитель в законе), and Chrezvychaynoye Proisshestviye (Чрезвычайное Происшествие) (the “NTV Copyrighted Content”).

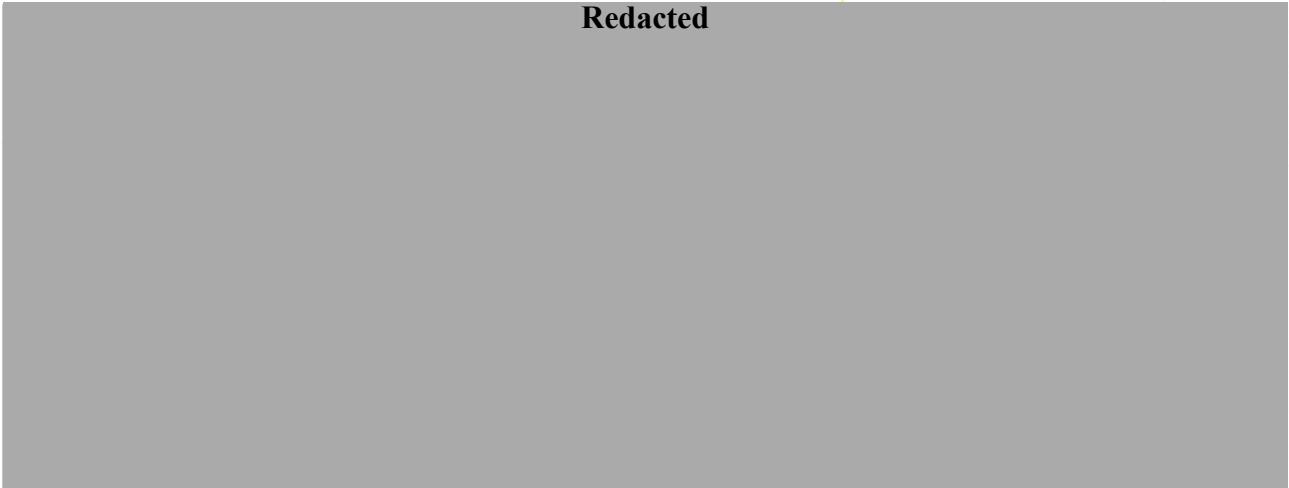
6. Komanda and NTV have requested that our firm assist them in identifying parties that are streaming, without authorization, the Komanda Copyrighted Content and the NTV Copyrighted Content over the Internet, including through IPTV streaming platforms such as Roku.

7. As a part of this investigation, we identified five entities that are streaming the Komanda Copyrighted Content and the NTV Copyrighted Content (the “Pirates”).

8. The Pirates are rebroadcasting numerous Russian TV networks through their respective Roku channels, including the networks Channel One and NTV. The Pirates distribute the programming through the Roku platform to a subscriber through the live rebroadcast of the Russian TV networks, the archived rebroadcast of the Russian TV networks, and/or through a video on demand library.

9. With respect to each of the Pirates, as set forth below, and as seen in the attached screenshots (Exhibits 1-5), I was able to stream the Komanda Copyrighted Content and the NTV Copyrighted Content from each of the Pirate’s respective Roku channels. Each of the screenshots in Exhibits 1-5 are true and accurate screen captures that I personally captured from the Roku platform or the Pirates’ websites, without making any substantive edits.

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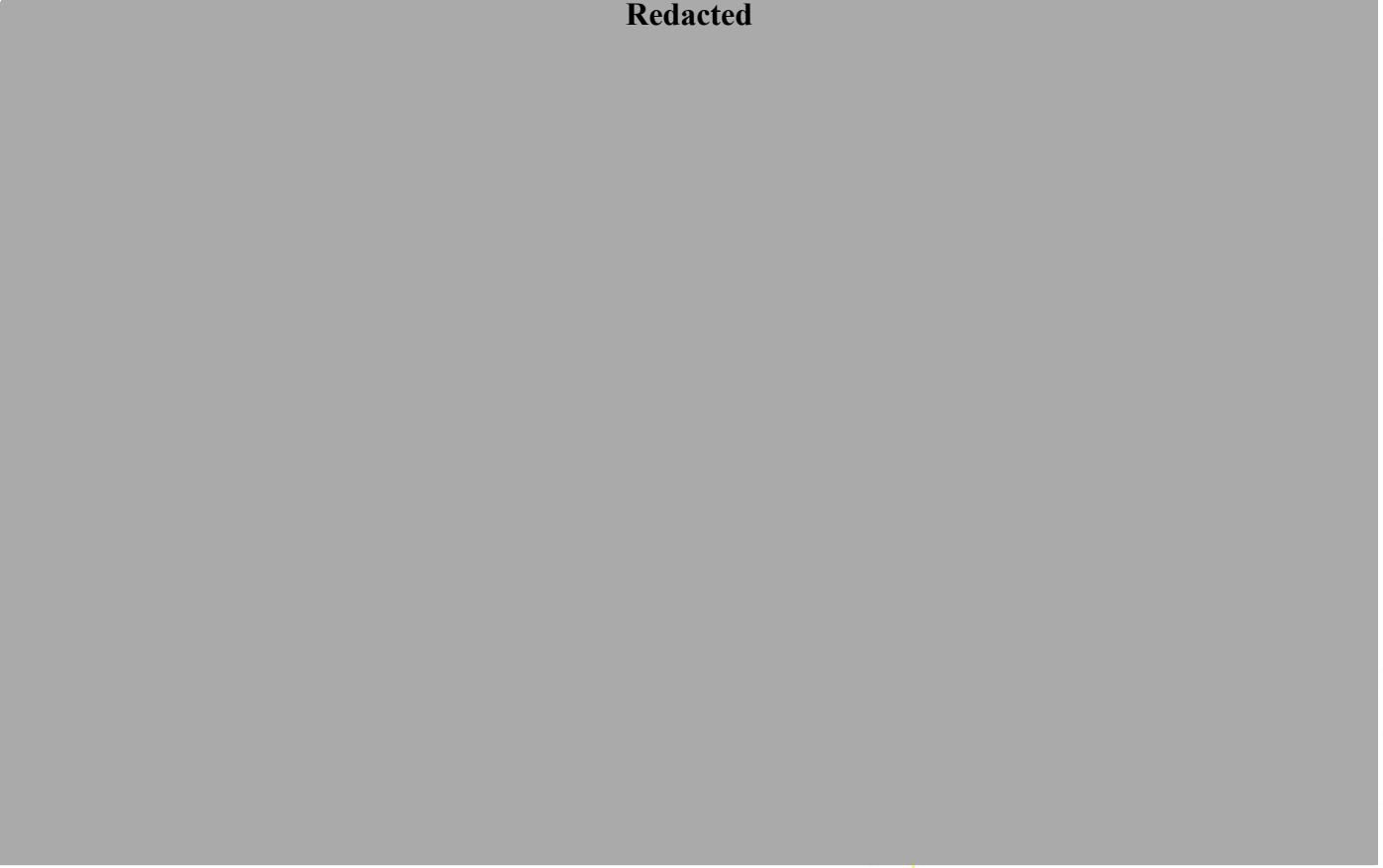
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13. TVTEKA – Exhibit 4

- a. On March 2, 2017, I used the Roku channel access code “INVID9” to add the TVTEKA channel to a Roku account. (Ex. 4 at p. 1.)
- b. RUTV Club has duplicate channels that can be accessed using Roku channel access codes “TVTEKA” or “DTV12.”
- c. Komanda
  - i. I was able to watch the program Modny Prigovor (Модный Приговор), which was being shown live on Channel One, through the Roku channel INVID9. (Ex. 4 at p. 3.)
  - ii. I was able to watch the program Davai Pogenimsya (Давай Поженимся) through TVTEKA’s archive, which was originally shown live on Channel One, through the Roku channel INVID9. (Ex. 4 at p. 4.)
- d. NTV
  - i. I was able to watch the program Detektiv «Pasečnik» (Детектив «Пасечник»), which was being shown live on NTV, through the Roku channel INVID9. (Ex. 4 at p. 5.)
  - ii. I was able to watch the program, Chrezvychaynoye Proisshestviye (Чрезвычайное Происшествие) through TVTEKA’s archive, which was originally shown live on NTV, through the Roku channel INVID9. (Ex. 4 at p. 6.)

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Gregory Moscow

Sworn to before me this  
17<sup>th</sup> day of March, 2017



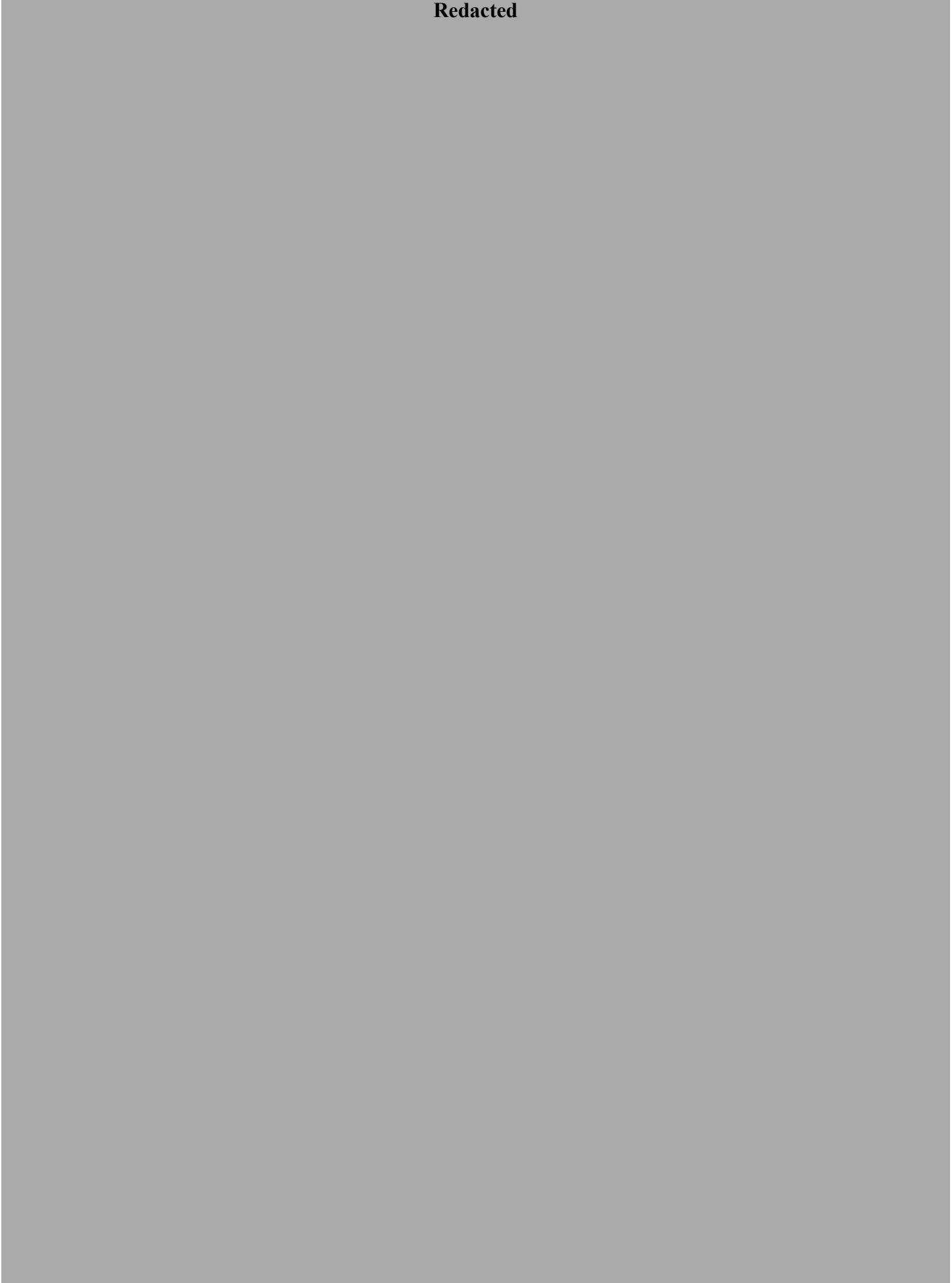
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Notary Public

ANTHONY MATTHEW CAPOZZOLO  
NOTARY PUBLIC-STATE OF NEW YORK  
NO. 02CA6324744  
QUALIFIED IN NEW YORK COUNTY  
MY COMMISSION EXPIRES 05-11-2019

## **EXHIBIT 1**

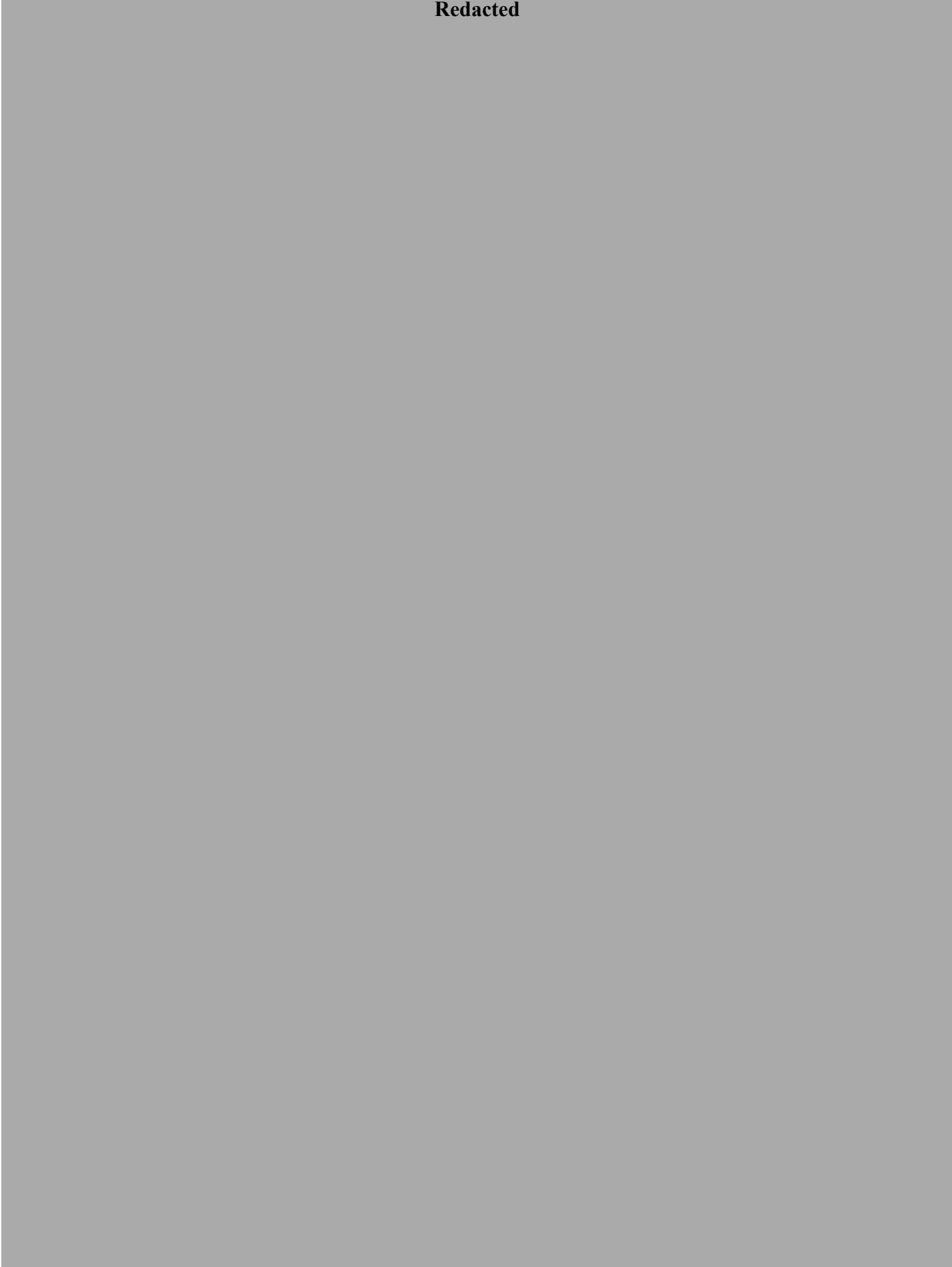
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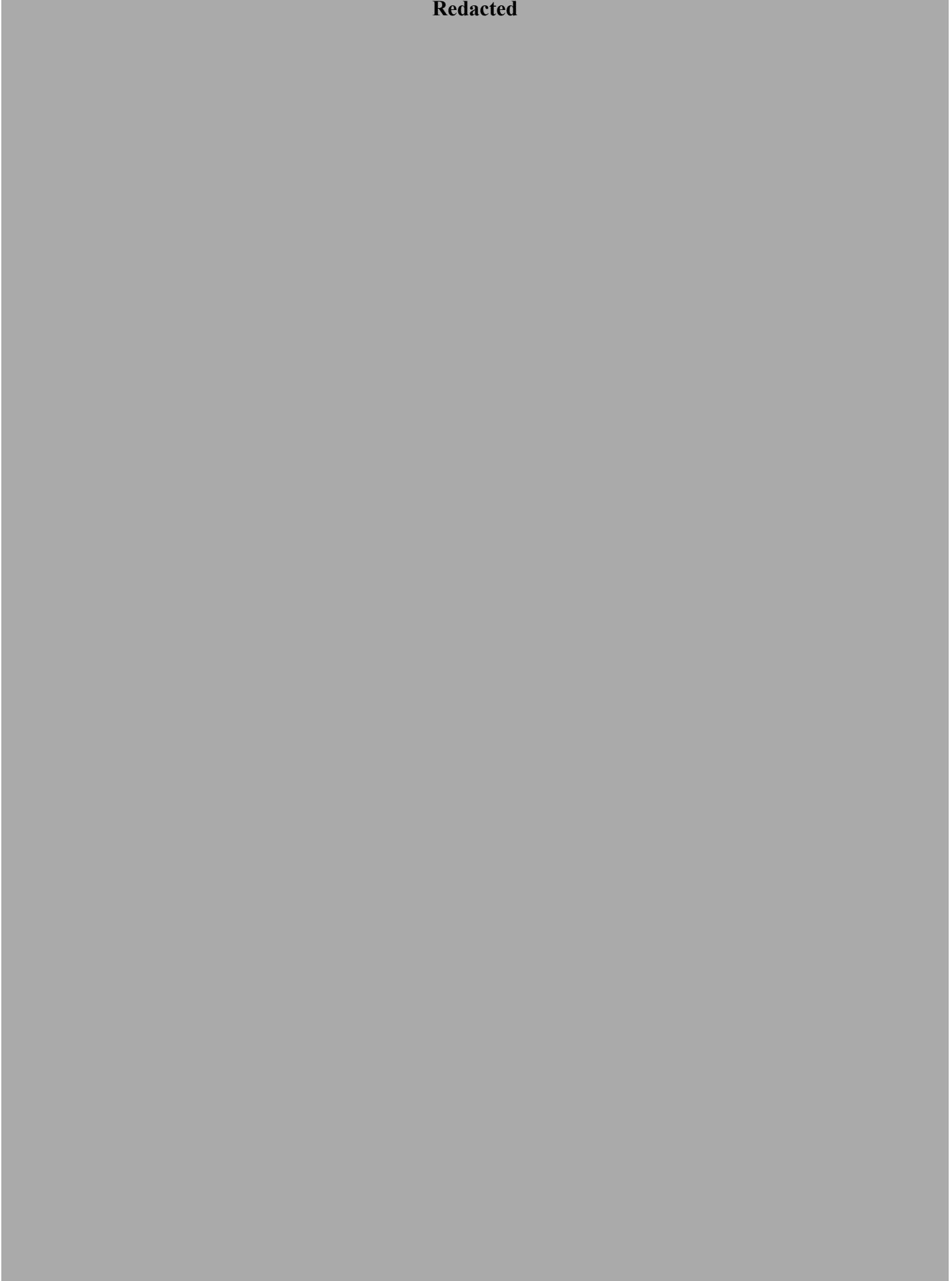
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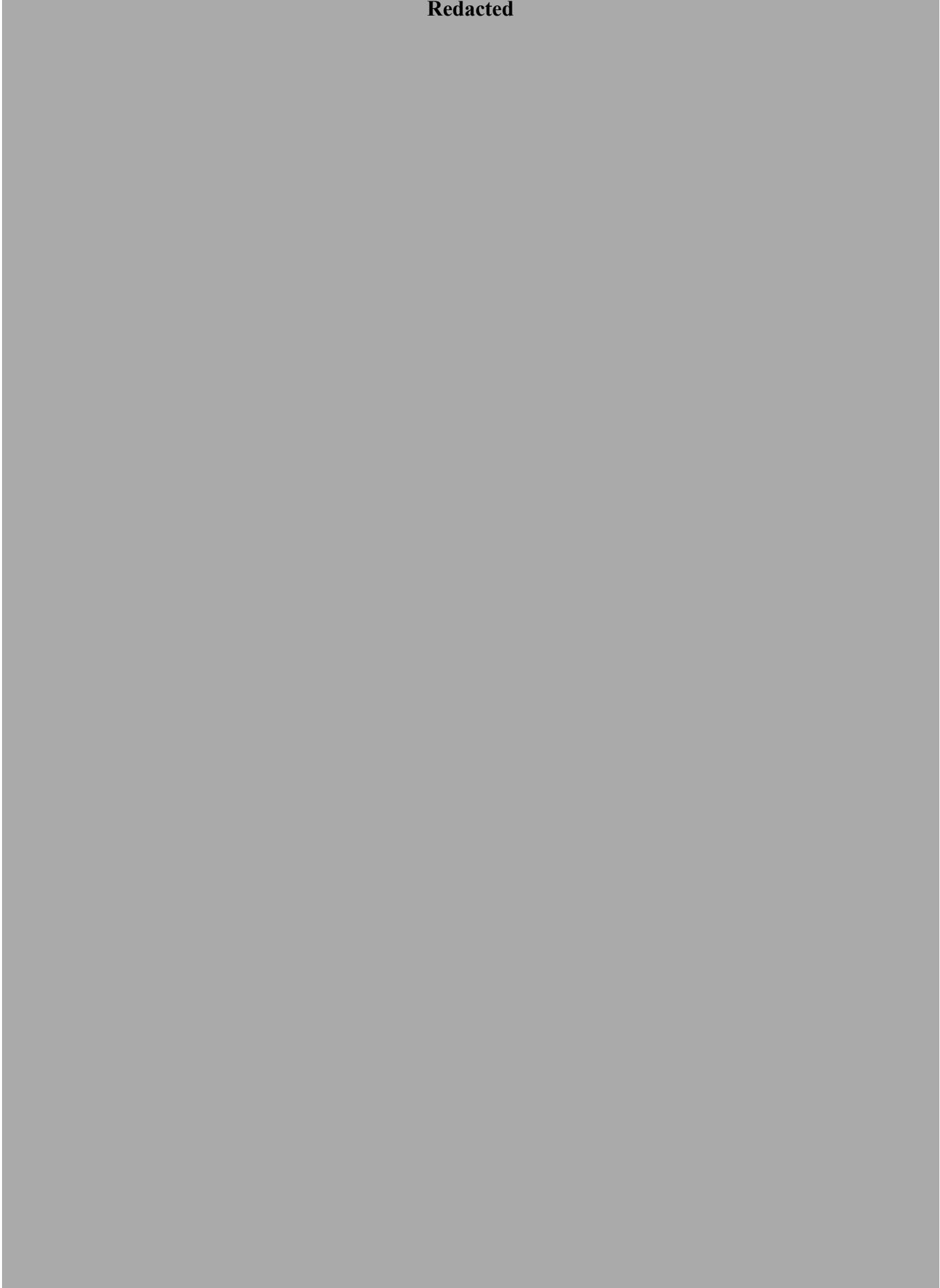


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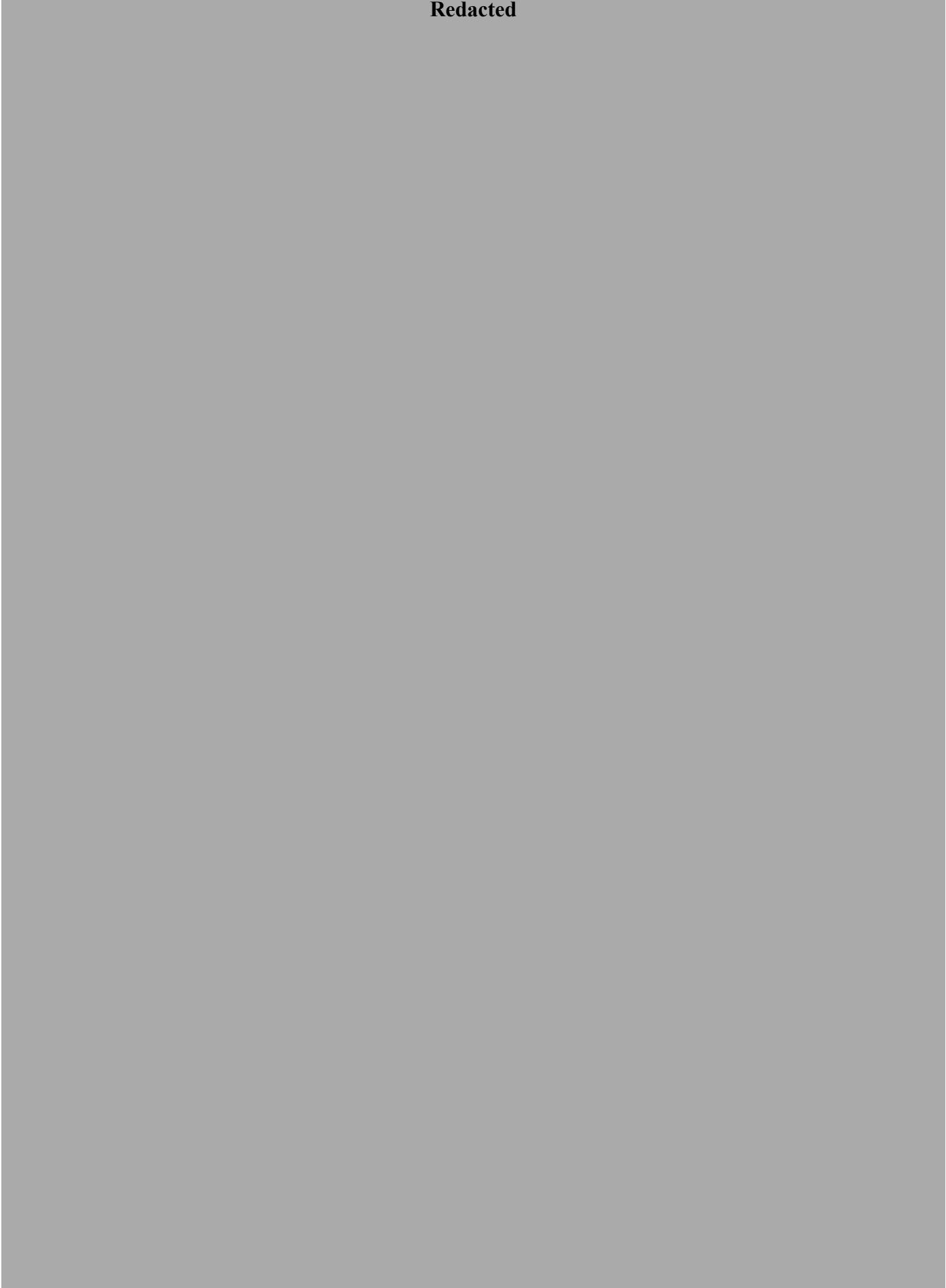
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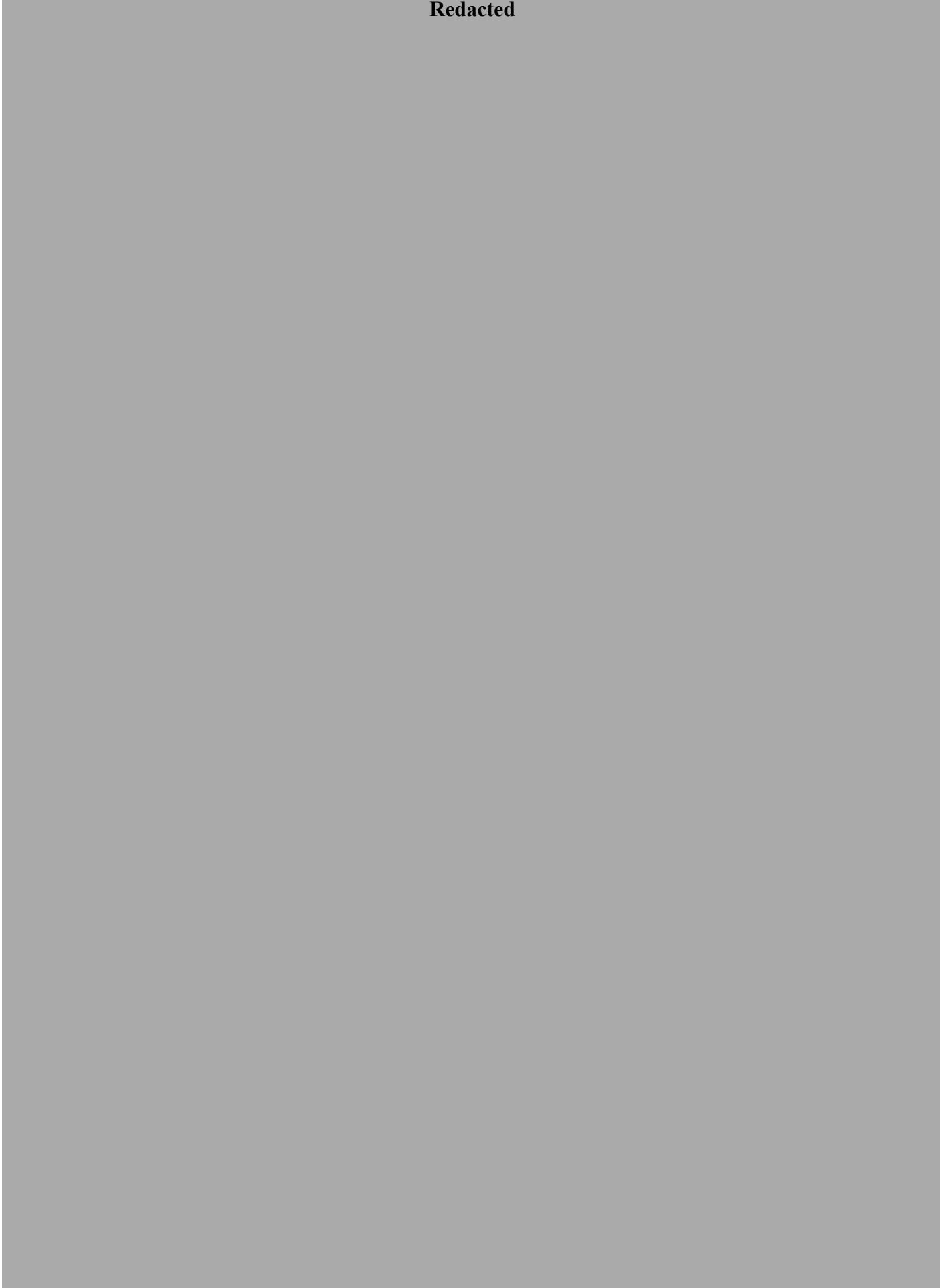
## **EXHIBIT 2**

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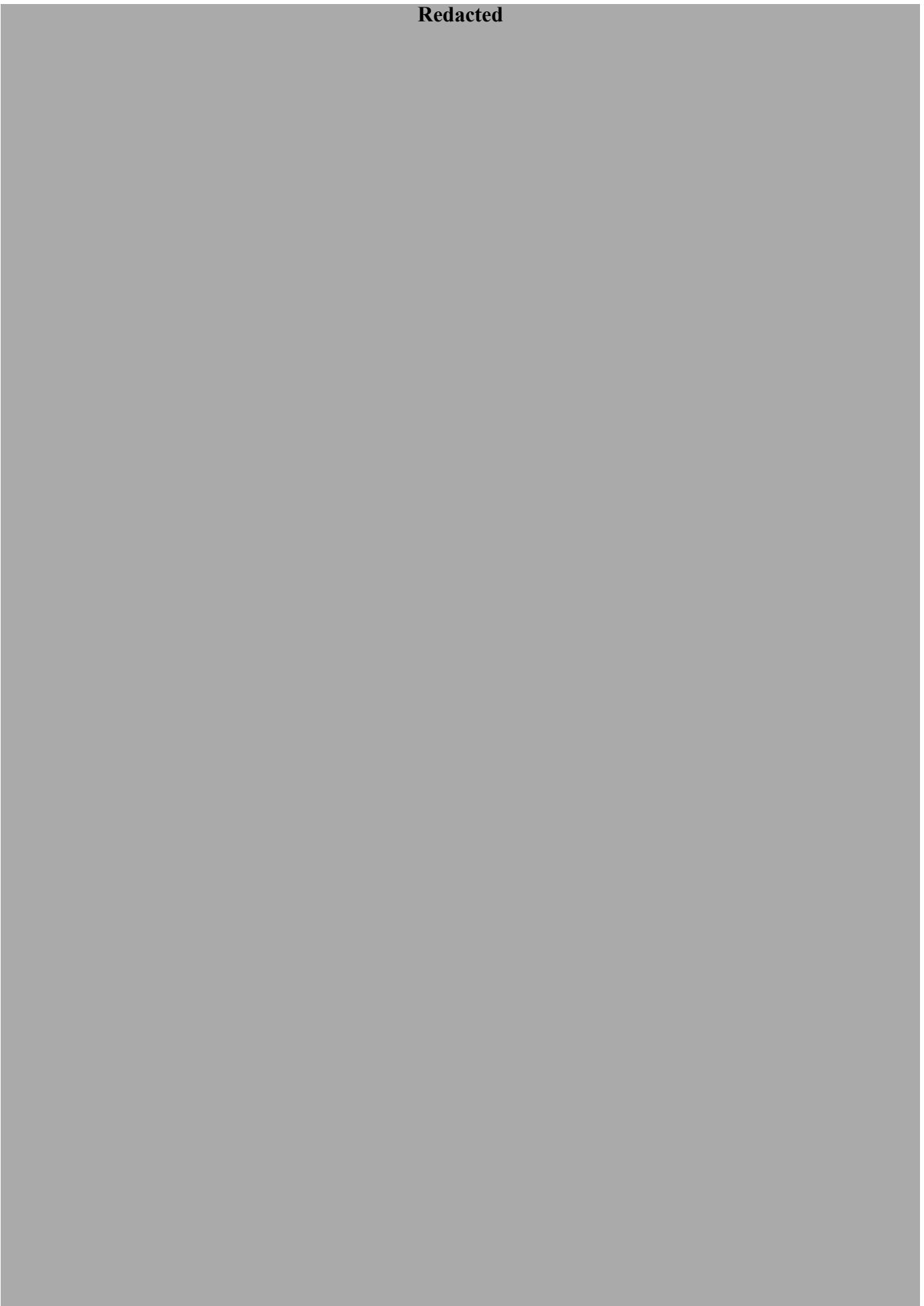
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## **EXHIBIT 3**

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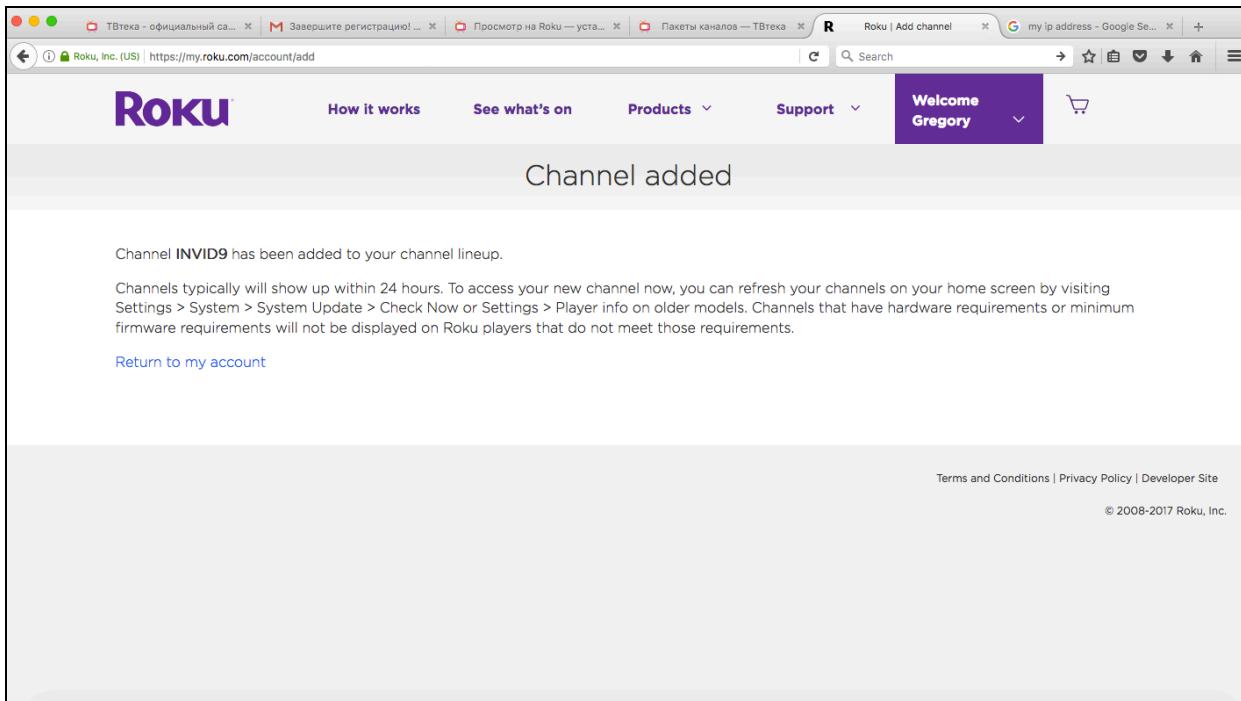
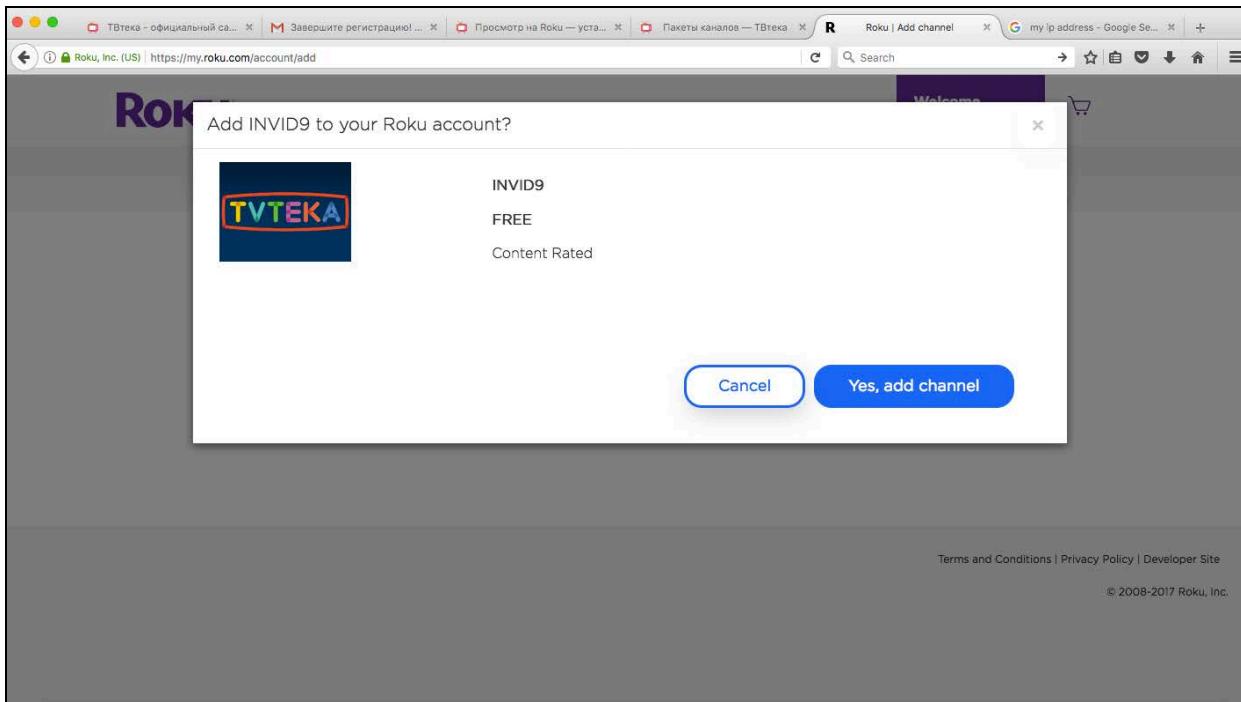


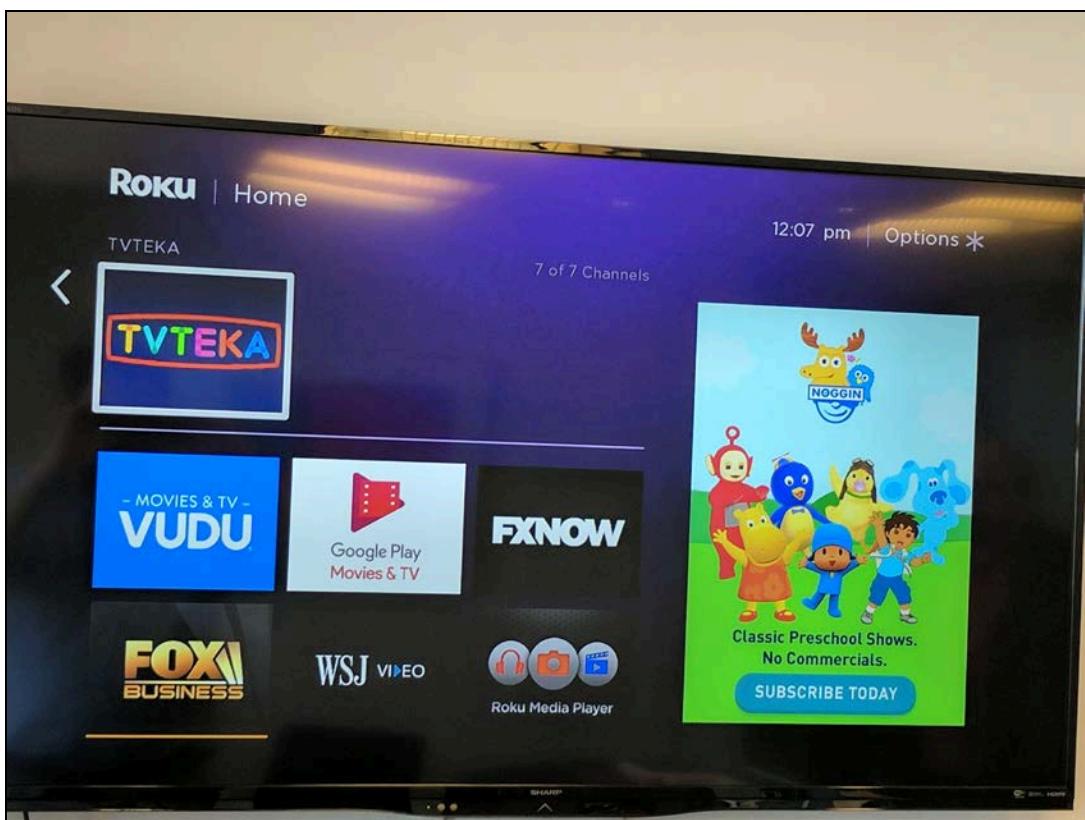
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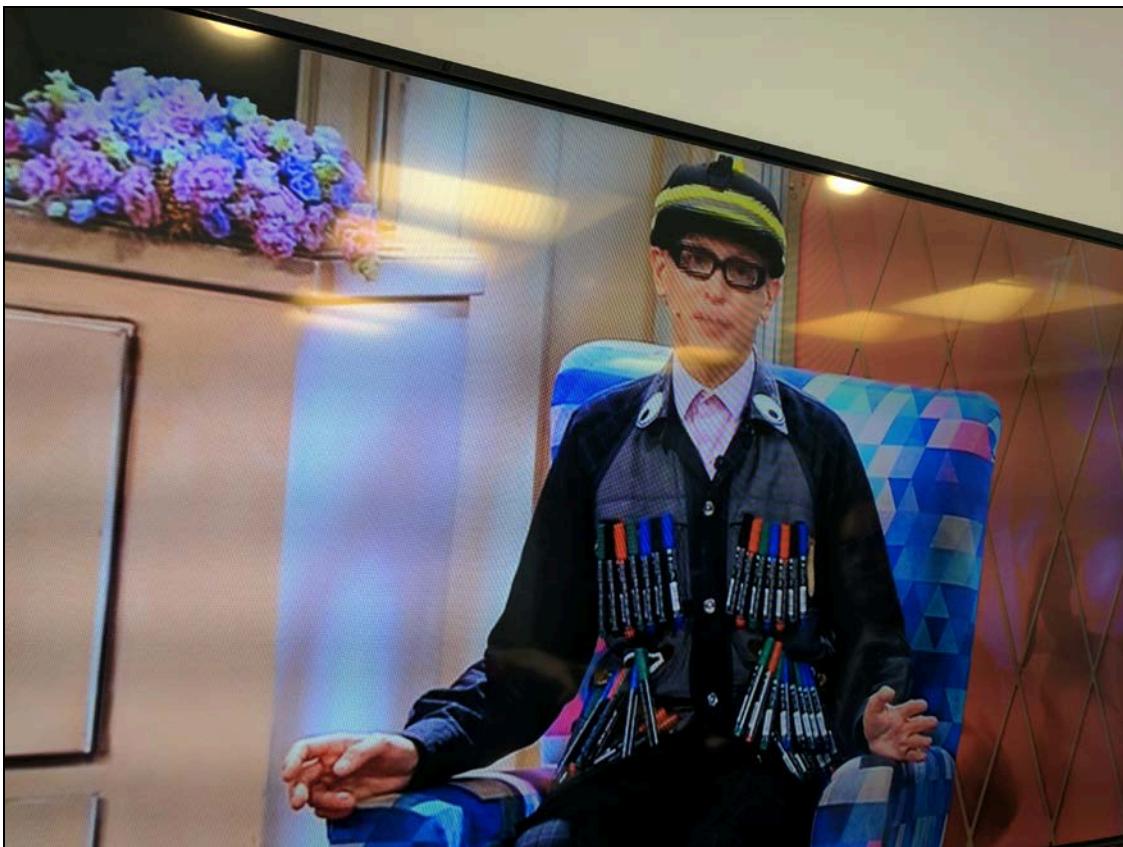
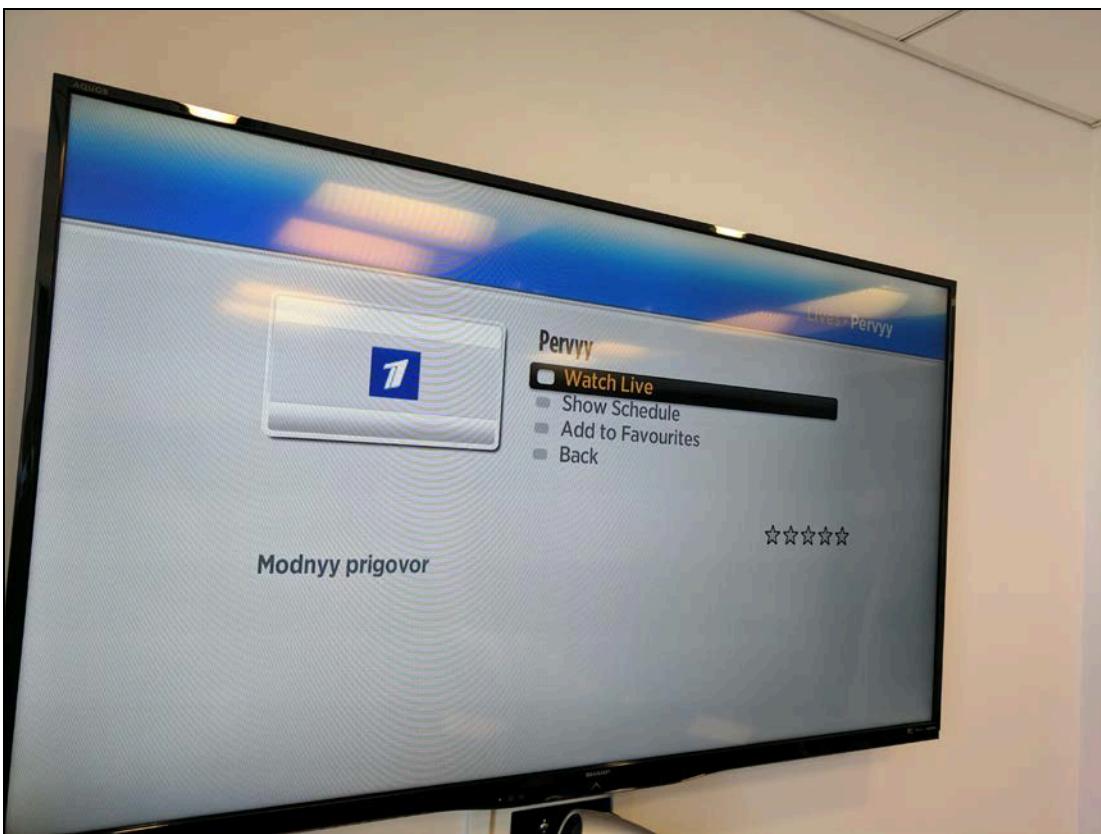


## **EXHIBIT 4**

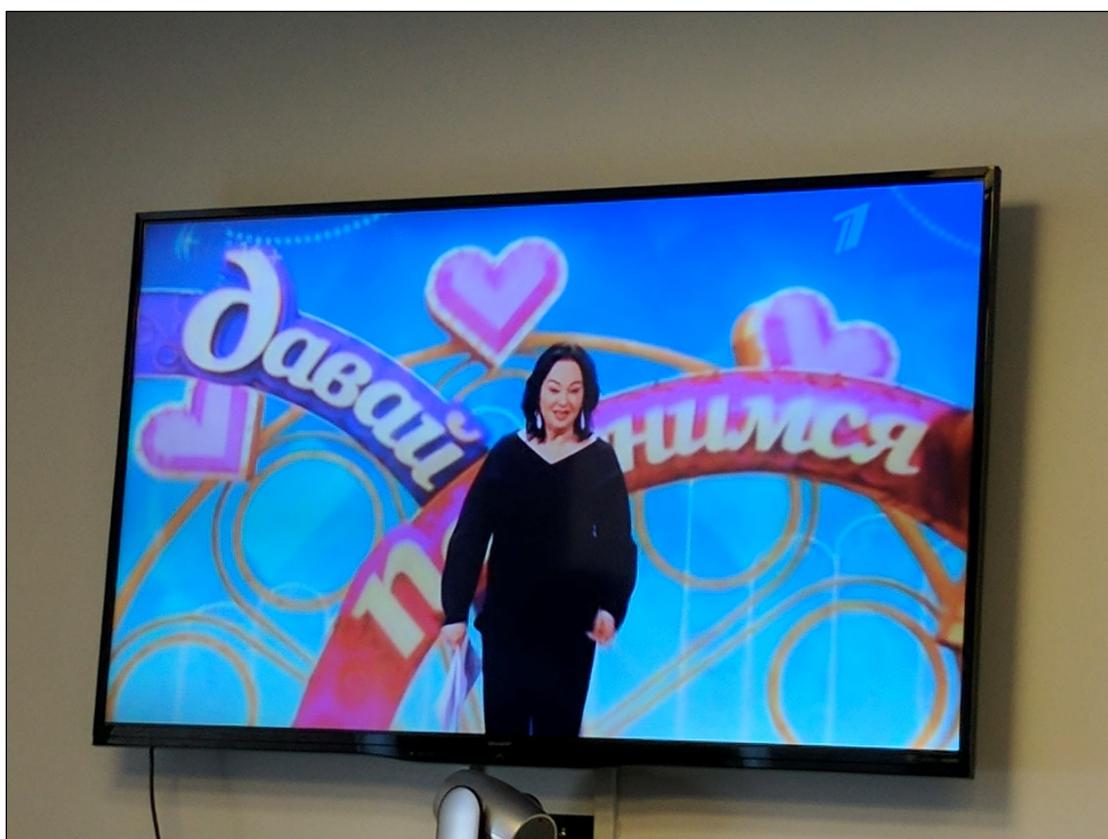
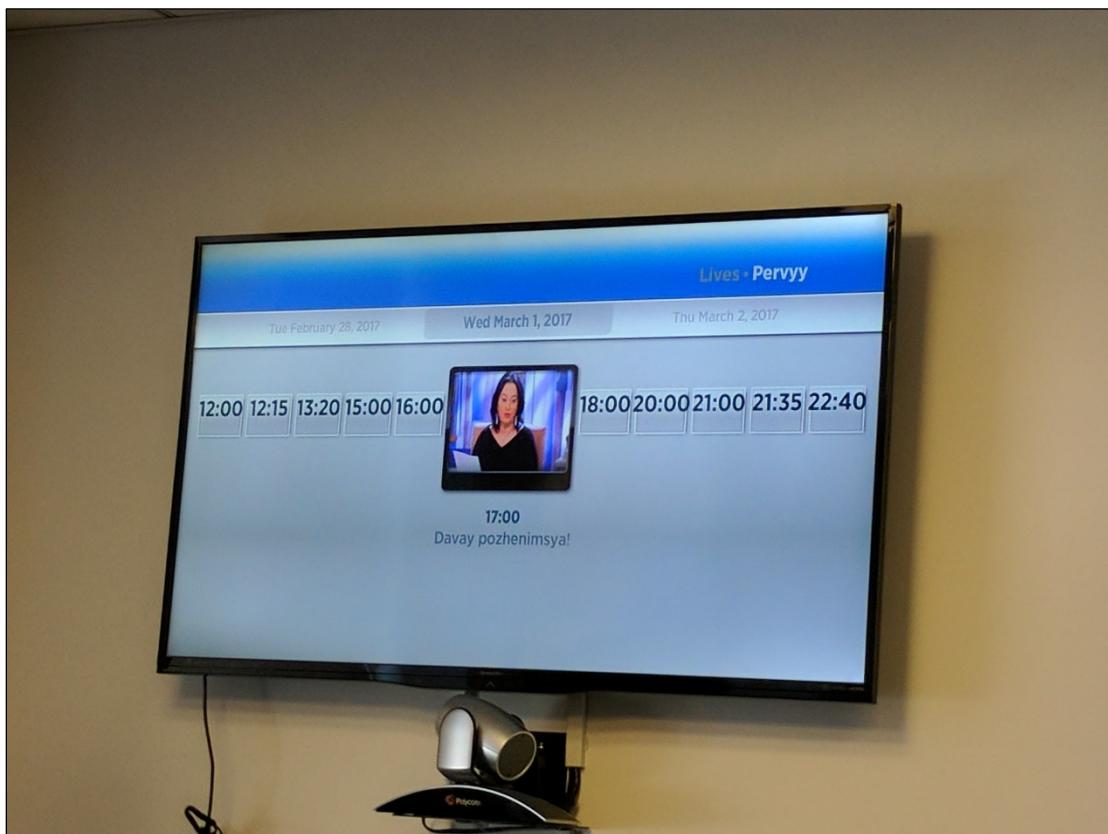




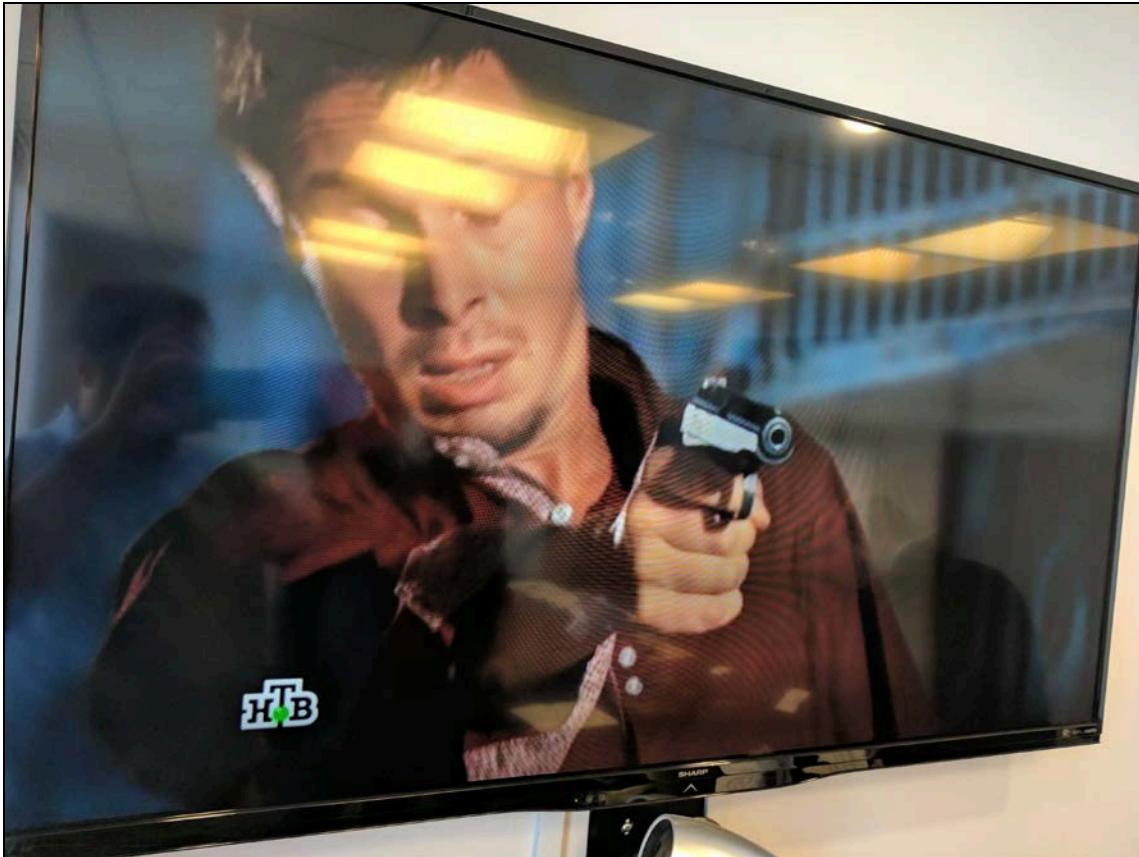
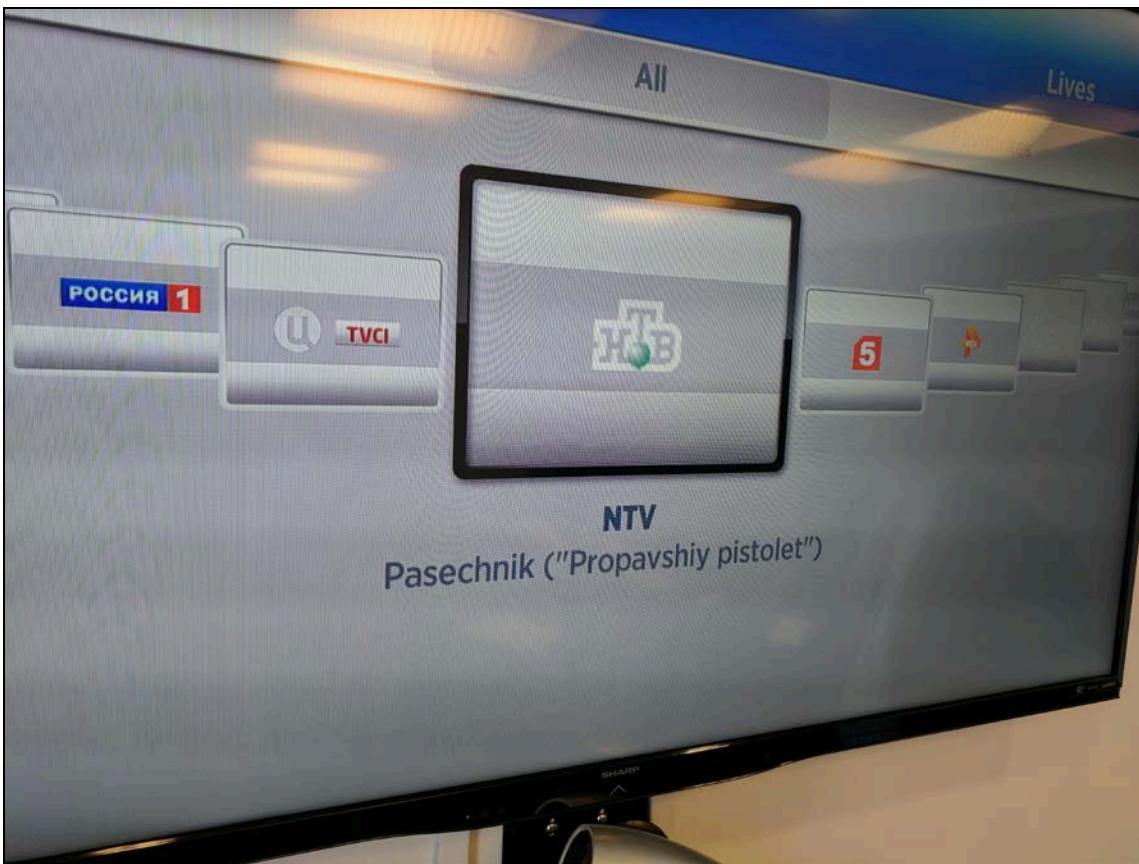
March 2, 2017 – Modny Prigovor (Модный Приговор) – Live Broadcast



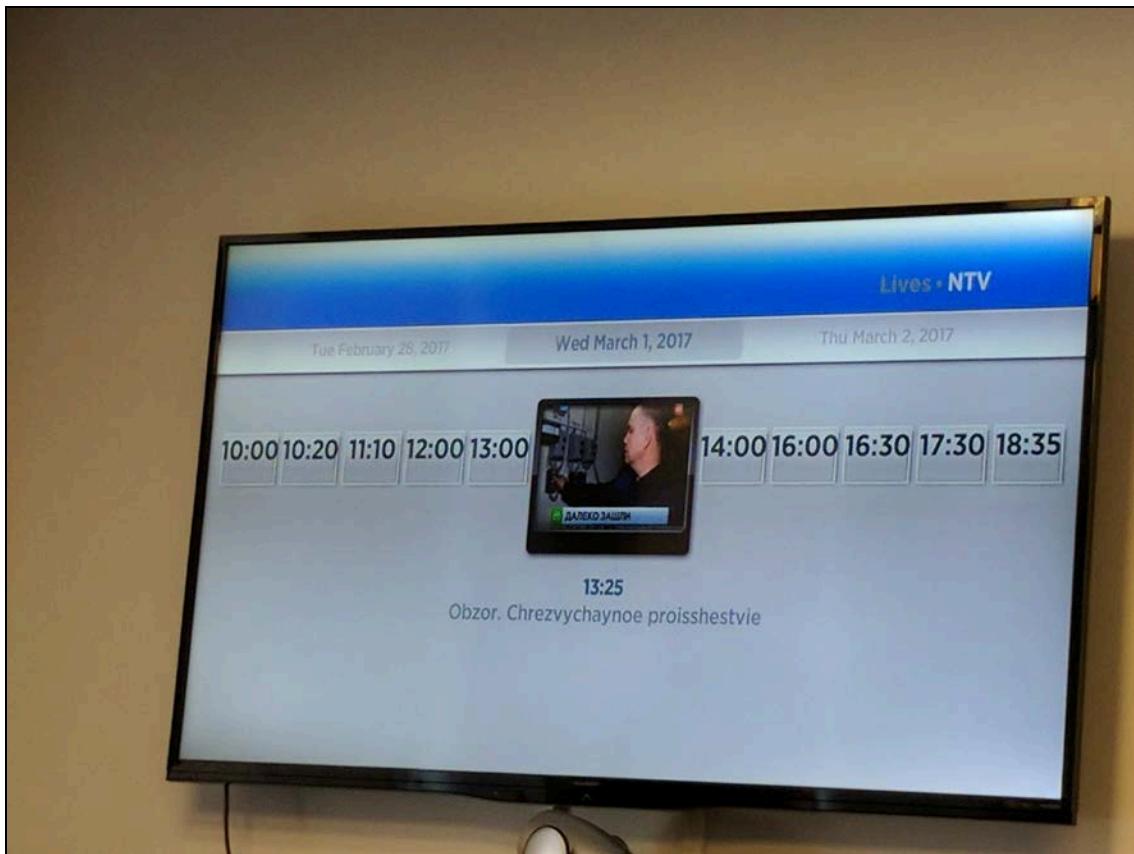
March 1, 2017 – Davai Pogenimsya (Давай Поженимся) – Archived Broadcast



March 2, 2017 – Detektiv «Pasečnik» (Детектив «Пасечник») – Live Broadcast

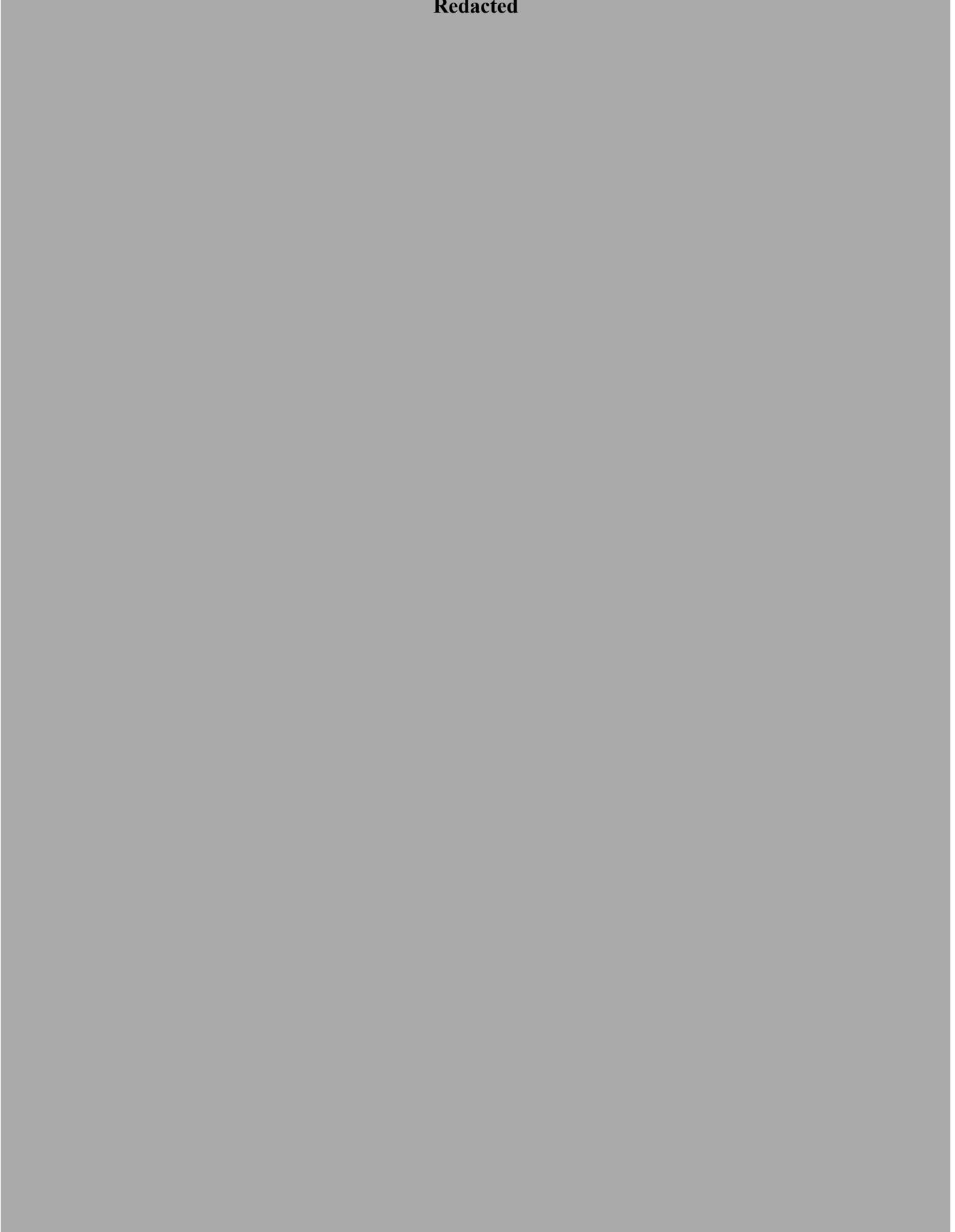


**March 1, 2017 – Chrezvychaynoye Proisshestviye (Чрезвычайное Происшествие) – Archived Broadcast**



## **EXHIBIT 5**

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